THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. No.28998 of 1995

Date: 07-09-2007

Between:

Gangula Ganga Raju

Petitioner…

And

The District Collector and others

Respondents…

ORDER:

This writ petition has been filed questioning the order dated 18-08-1994 where under the Joint Collector has cancelled the allotment of the land admeasuring Acs.2.50 cents covered by Survey No.3/1 of Attada village of Jami Mandal in favour of Sri G. Govinda Rao.

The case of the petitioner is that his father Ganugula Govinda Rao, who was serving as a Jawan in Army residing at Amrutsar was allotted the land to an extent of Acs.2.50 cents by the Mandal Revenue Officer vide R.C. No.251/92/HA, dated 23-03-1992. His case is that assignment made by the Mandal Revenue Officer has been cancelled by the

1st respondent, District Collector, without issuing any notice and therefore it amounts to violation of principles of natural justice.

Impugned proceedings dated 18-08-1994 reads as follows:

> "In the reference cited the Mandal Revenue officer, Jami has issued orders provisionally assigning an extent of Ac.2.50 in S.No.3/1 of Attada (v) of Jami Mandal which is classified as 'Komati Tank' Poramboke in favour of Sri G. Govindarao a serving personal subject to the conditions of which are embodied in 'D' Form Patta to be issued and approval of ayan conversion proposals.
>
> In G.O.Ms.No.157 Rev(M) Dept., dt.13-2-87 orders were issued that no cultivation should be allowed in the tank bed area under any

circumstances. No lease of the take bed lands including the lands lying beyond the F.T.D. either on eksal basis or for a longer period. No fresh leases of tank bed lands should be granted even during the drought years.

S.No.3 measuring Ac.17-30 of Attada (v) is classified as Komati tank poramboke having ayacut under it.

There is no provision in rules for grant of provisional assignment order subject to conversion. The assignment of tank bed porambokes is prima facie objectionable. The Mandal Revenue Officer has executed his powers in granting land in a tank poramboke on a provisional patta subject to ayan conversion.

In the above circumstances the allotment of land measuring Acs.2.50 covered by S.No.3/1 of Attada (v) in favour of Sri G. Govindarao (Serving personal) of Attada (v) is hereby cancelled."

The impugned order reveals that before issuing the same, no notice has been issued to the petitioner therefore,
the impugned order is in violation of principles of natural justice. It is categorically stated in the affidavit, filed in support of the petition, that the petitioner and his family members are in possession and enjoyment of the said land by cultivating it.

In view of the averments made in the petition, with regard to the possession, I am of the view that no notice has been issued by the 1st respondent to the petitioner before issuing the impugned order. Therefore, the impugned order is in violation of principles of natural justice, as such, the same is liable to be set aside and accordingly the same is set aside. However, this order shall not preclude the

1st respondent to issue notice and pass appropriate orders, in accordance with law. Till further adjudication is made by the concerned authorities, *status quo,* with regard to the possession, shall be maintained.

In the result, the Writ Petition is disposed of.

There shall be no order as to cots.

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JUSTICE G. CHANDRAIAH

Date: 07-09-2007

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